

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Cinceree Johnson,**

**Plaintiff,**

**-V-**

**Case No. 2:06-cv-00819  
Judge Michael H. Watson**

**Richard Carpinelli, et al.,**

**Defendants.**

**ORDER**

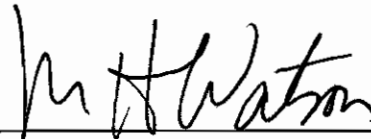
Plaintiff brings this action under 42 U.S.C. § 1983, asserting that defendants violated her Fourth Amendment rights because they failed to safeguard her personal information stored on defendants computer system at Ohio University. The U.S. Magistrate Judge issued a second screening report and recommendation (Doc. 14) in this case on January 25, 2007, recommending that this action be dismissed because the amended complaint fails to state a claim upon which relief may be granted. In essence, the Magistrate Judge concluded that defendants were not the perpetrators of the computer breach. Rather, plaintiff's personal information was seized by third persons, who were not state actors. The Magistrate Judge observed that the Fourth Amendment does not protect against a thief who unlawfully enters a person's home and steals her possessions.

Plaintiff filed a timely objection to the report and recommendation on February 5, 2007 (Doc. 15 ). Plaintiff argues that the Fourth Amendment protected her personal information. The Court has reviewed *de novo* those portions of the report and

recommendation to which plaintiff objects, and finds plaintiff's objection to be without merit. Specifically, the Court agrees with the Magistrate Judge that the Fourth Amendment does not apply to the circumstances this case presents. Accordingly, the Court **OVERRULES** plaintiff's objection, **ADOPTS** the Magistrate Judge's report and recommendation in its entirety, and **DISMISSES** this action for failure to state a claim.

The Clerk shall enter a final judgment in favor of defendants, and against plaintiff, dismissing this action in its entirety with prejudice.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Michael H. Watson", is written over a horizontal line.

**MICHAEL H. WATSON, JUDGE  
UNITED STATES DISTRICT COURT**